

MINUTES
WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN

Monday, September 12, 2011, 6:00 PM

PLEDGE OF ALLEGIANCE A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President; Amanda Bailey, Mike Moesner, Brad Overton, Marlin Weisheit, Larry Willis and Judy Writsel.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Christy Powell, Staff.

MEMBERS ABSENT: None

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Larry Willis and seconded by Marlin Weisheit, the Minutes of the last regular meeting held August 8, 2011, were approved as circulated.

The President explained the Rules of Procedure to the audience.

SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:

PP-11-06 - A & B Industrial Subdivision by Applicant and Owners A & B Investments, Brent Holweger, Partner and Terminal Properties, LLC, Tom Bennet, Partner. A Subdivision of Lot 1 of Wagner Minor Sub recorded in Warrick County Recorder's Office in Doc. # 2001R-008150 and Lot 2 of D & K Tanks Minor Sub recorded in Warrick County Recorder's Office in Doc. #2009R-012232, Ohio Twp. 11.29 acres located on the S side of Boonville Hwy approximately 1650' W of the intersection formed by Boonville Hwy (S 50) & Stevenson Station Rd. (W 1025). Complete legal on file. *Advertised in the Boonville Standard July 28, 2011. Continued from August 8, 2011.*

James Biggerstaff and Allen Holweger were present.

The President called for a staff report.

The Executive Director stated they have all the return receipts from certified mail of notice of the public hearing and added this was continued from last month due to the owners being absent from the Drainage Board, Commissioners Meeting and Plan Commission meeting last month. She stated the property is zoned "M-1" Light Industrial and the property is entirely within a

Zone AE 100 year flood plain; the base flood elevation is 386.6' and any new construction must have a certified plot plan showing the building to be two feet above the base flood elevation.

Allen Holweger stated Kurt Wright with Terminal Properties is about ten minutes away.

Attorney Doll suggested they move this item to the end of the agenda.

PP-11-07 - Baker Place II Subdivision by Richard A. Baker Trust, Richard A. Baker, Trustee. A Subdivision of Lot 2 in Baker Place Subdivision as recorded in Doc. # 2011R-001091 in the Office of the Warrick County Recorder. 5.08 acres located on the N side of SR 261 approximately 2200' W of the intersection formed by SR 261 and Center Rd. (W 500), Boon Twp. *Advertised in the Boonville Standard September 1, 2011.*

Bill Bivins, ACCU Survey and Richard Baker were present.

The President called for a staff report.

Mrs. Rector stated they have all the return receipts from notice of the public hearing to the adjacent property owners except from the Lottes, however they do have the white pay receipt showing the date of mailing. She explained this property is zoned Agriculture which requires 2.5 acres and 100' at the building line if a septic system is required. She added there is no flood plain on the property. She stated they are subdividing Lot 2 in Baker Place Subdivision into two lots; lot 2A has an existing residence and lot 2B will be an additional building site. Mrs. Rector stated this property fronts on SR 261 and Richard Meyer, INDOT viewed the plat in the office and stated he would prefer the existing driveway on Lot 2A be shifted across the property line and have a shared entrance for both lots. She stated this plat shows the driveway on the property line and it needs to be shifted to the middle of both lots. She added they would need to obtain a State Highway Permit. She stated the Drainage Board approved no drainage plans be required and the Health Department has signed off on the septic locations. She then stated Chandler water has capacity to service subdivision with the existing meters in place and the plat in in technical conformity with the Subdivision Control Ordinance. She stated if approved the conditions should be they obtain shared driveway permit prior to recording secondary plat.

Bill Bivins stated if this is passed they will obtain the State Driveway permit for the shared driveway.

Mike Moesner stated he noticed the shared driveway seems to be all on one property.

Guy Gentry stated that is why they need to shift it.

Mrs. Rector stated that will be shown on the final plat.

Ascertaining there were no other comments from the Board and being no remonstrators present, the President called for a motion.

Marlin Weisheit made a motion to approve PP-11-07 with the stated conditions. The motion was seconded by Brad Overton and unanimously carried.

OTHER BUSINESS:

Formal Compliant: Thomas Key, 1311 Lovers Lane and 1333 Lovers Lane, Boonville, IN ~ Alleged Junk-Salvage Yard in an “R-1A” Single Family Dwelling zoning district.

Tom Key was present.

The President called for a staff report.

Mrs. Rector stated a complaint filed June 14, 2011. She added the Inspector went to the property June 27, 2011 and took photographs showing several vehicles and other items on the property. She added on July 7, 2011, the office sent a letter to Mr. Key informing him of the complaint and giving him ten days to respond from receipt of the certified letter. She stated Mr. Key picked up the letter on July 26, 2011 and he telephoned the office on July 27, 2011. She stated he was granted to September 2, 2011 to have the property cleaned up; he was informed if the property was completely cleaned up then he would not need to appear before the Board, otherwise it would be placed on the September 12, 2011 agenda. She added that Mr. Key telephoned the office September 1, 2011 and said all but two cars were gone. She said staff told him the Zoning Inspector would be there September 2, 2011 and then the property would be inspected again September 9, 2011. Mrs. Rector said the Zoning Inspector went to the property on September 2, 2011 and reported *the grass has been cut and some of the cars are gone. The Corvette and the Volvo will be gone this weekend.* She stated the photos show the Volvo and Corvette on the property. She said she went back to the property today, September 12, 2011, at 8:00 a.m., and have attached photographs. She said Mr. Key has removed all the cars that were on the front of the property except for one that is there this morning that was not there previously. She added she could not tell if it were licensed due to being charged at by a neighbor's pit-bull dog and unable to get back out of the car. She commented there are still some areas that have items stacked up that needs to be cleaned up on both pieces of property as shown in the photographs but he has mowed the property and made a substantial effort in getting it cleaned up as you can tell by the pictures taken in June compared to today. Mrs. Rector stated he has done a lot of work out there in a short time and all of the vehicles are gone; there are just a few items left in the yard in areas that appears to be taken off.

Mr. Key stated that car is licensed. He stated he has grinders installed out there now too so he has some little dirt mounds where the sewer grinders has been put in and so he has made some improvements to the two pieces of property. He stated people seem to think it is abandoned but he pays his taxes and everything else on it and he is trying to make improvements as he goes along. He stated he is a mechanic and when he buys a car he doesn't trade it in and that is how he ended up getting that collection. He stated he doesn't aim to but it happened and he has them all cleaned off now. He stated he was raised this way - his Dad raced stock cars - and it hard for him to stop but he is doing the best he can.

Guy Gentry stated so right now there are no cars on the property.

Mr. Key stated there are no vehicles on the property what so ever.

Marlin Weisheit stated he drove by and he could see a substantial improvement; there is no doubt about that. He asked if he intends to clean up the trash bags and continue to keep working on it.

Mr. Key stated he is; he got into some wasps the other day and then someone stole his mower and he has a couple of other mowers he can fix up so he can mow so he won't get behind like he did before.

Mike Moesner stated by the photographs it seems there is more to be removed but it looks like it is movable; it looks like something that could be done fairly simply.

Larry Willis asked how long he thought it would take him to finish with the cleanup.

Mr. Key stated probably a couple of weeks. He stated there is some stuff between the garage and house and his boy has some tool boxes that he needs to get with him about.

Larry Willis stated he would think that if he would make a substantial improvement they could send the Inspector out there and the Executive Director can make the determination whether it is cleaned up enough or not.

Marlin Weisheit said so give him another 30 days.

Larry Willis stated yes, and if it is cleaned up before then he can call the office for an inspection to see if he is in compliance. He stated as far as he is concerned then he is in compliance after that and if not then he has to come back to the Board.

Mrs. Rector asked them to look at the pictures and say what they think needs to be cleaned up so Mr. Key has an idea what they want. She gave Mr. Key a copy of the pictures the Board had so he could look at them with the Board.

Larry Willis stated the things that collect water that draw mosquitos...

Mr. Key stated he tries to keep all that stuff turned over.

Larry Willis asked what the stacks of wood were. He stated they could either be pallets or some fence.

Mr. Key stated that will be gotten rid of. He pointed to a photo and stated this was plywood he purchased to do roof repair at the house and he has it covered up.

Larry Willis stated that is fine but the pallets and the loose debris and things of that nature should go.

Guy Gentry stated looks like there are other items beside the pallets.

Mr. Key stated there are a bucket and some stuff that came out of a truck that had a camper shell and some is good and some needs to be thrown away.

Mike Moesner stated it looks like there might be a pretty good size tree limb on the roof that he may want to check for roof leaks.

Mrs. Rector asked them to start with each individual picture so they are all clear. It was determined that the bucket shown in picture 1 should be removed; the trash behind the debris pile in picture 2 should be removed; the wood pile in picture 4 should be removed; the items shown in front of the house in picture 6 should be removed.

Mrs. Rector told Mr. Key when he got it cleaned up he should call the office to schedule an inspection and she will let him know; otherwise, this will be back on the October 10, 2011 agenda.

Larry Willis made a motion to allow 30 days for further clean up and he should call for an inspection and if in compliance he will not need to come back to the Board. The motion was seconded by Marlin Weisheit and unanimously carried.

Mr. Key asked if he can do any burning to which he was informed that he should contact the Health Department.

ATTORNEY BUSINESS:

None

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Mr. Holweger stated Mr. Wright will be here soon and asked if they can go ahead with the hearing instead of waiting.

Mrs. Rector stated she could go ahead and finish with the staff report and then if he doesn't show up it will have to be continued.

The President asked Mrs. Rector to continue where she left off.

Mrs. Rector stated this is a five lot subdivision and the Commissioners agreed to no improvements to Boonville Highway. She stated they have a private roadway for ingress/egress to the lots which is allowed in this zoning. She stated there is an existing wetlands system on the property and they have submitted a letter to the Health Department stating that A & B Investments agrees to let Terminal Properties LLC use the restroom facilities located on the A & B Investment property next door. She stated the Health Department wants that statement added to the secondary plat prior to it being recorded. She added that Chandler Water has capacity to service the subdivision; however, they do want the existing water lines to be placed in easements on the plat. She stated the existing water lines have been shown but they are not located within an easement. She commented Rob Coghill, Chandler Utilities responded via email stating *I reviewed the latest plat from Jim Biggerstaff for the A & B Industrial Subdivision. I have told Jim Biggerstaff and Brent Holweger that I felt there needed to be easements for the water lines owned by the different landowners that crossed other properties. I see that Jim marked all the meters and service lines but I still am concerned about the service line that crosses Parcel 1 that serves either lot 3 or 4. The Town has no interest in the line since our responsibility ends at the meter set along the road but if either lot should have a problem with their service line they would need to go on to other property to make repairs. If they developed a significant leak the Town would shut the water off and if they don't have permission to make repairs then they would be without water indefinitely. I assume that you could approve the plat and let the homeowners battle it out or deny it until an easement is written between D & K Tanks and the other lot owners.* Mrs. Rector stated that is something that needs to be discussed this evening. She said the existing buildings on this property were once all under one ownership but now is being leased to different businesses. She stated part of the property has also sold and so in order for the property to be in compliance with the ordinance they have filed this subdivision putting each building on a separate lot. She said this was continued from last month because no one showed up to any of the meetings and added Attorney Doll sent a letter reminding them they are in violation and informing them they must appear at this meeting or further action may be taken. She stated the plat needs minor corrections and Health Department statement added to it. She stated they need to discuss the water line issue.

Mrs. Rector stated normally new subdivisions with no buildings on them just have to show public utility easements to service the lots. She stated this is different because all the buildings are existing and the lines are running across the property and she doesn't know what to do with it or what is necessary to do.

Jim Biggerstaff in regards to the water lines, this is pre-existing and was owned by the Wagner family and they had a meter to the house and a meter to service the other properties. He stated these meters are not major meters, they are small lines; $\frac{3}{4}$ inch to 1 inch lines. He stated Chandler's responsibility is to the meter. He commented there are a lot of lines on a lot of properties and he was always told they are prescriptive easements. He stated to be able to locate all of these lines is a major deal. He stated they are talking about a $\frac{1}{2}$ -1 inch plastic line that isn't a big thing. He stated they can run new lines and it wouldn't be a big thing. He stated half of Boonville sets on water and sewer lines under houses that don't have any easements. He stated so they have a pre-existing condition here and unless they start digging they can't find all of it. He stated if there is any kind of notation they could put on the plat so it is understood that it is pre-existing.

Allen Holweger stated he and D & K Tanks have already discussed this because they knew it was coming and they said they would work with them and vice versa. He stated they have agreements and they use each other's driveways and so they don't see it as an issue.

Mike Moesner stated the concern is if one of those properties changes hands.

Allen Holweger stated at some point in time either D & K will buy them or they will buy D & K and the others will be taken care of and if they get to that point then it will be brought up to whoever purchases.

Guy Gentry stated Mr. Biggerstaff said something about language on the plat but he doesn't know what that would be.

Jim Biggerstaff the problem is they don't really know where the lines are; they know about where but they are talking some major cost because they would have to locate them and then write a legal description and these are not major interceptors they are service lines like a house service. He stated they could put some kind of language on there to get D & K to sign off on it and that would be the end of it rather than try to go out and physically locate them.

Marlin Weisheit asked if there is only one meter.

Mr. Holweger stated there is actually ...

Discussion ensued over where the meters and lines were with Mr. Biggerstaff saying technically there are three meters.

Mrs. Rector asked Attorney Doll if there needs to be some document for D & K to sign or if they have met the ordinance and don't need to go to this length.

Attorney Doll stated the ordinance says plats are supposed to have the easements on them.

Mr. Holweger stated this was all approved a couple of years ago when they bought this property when they bought it from D & K and now they are saying since they are selling to Buckta it isn't okay.

Mrs. Rector stated the ordinance says for the primary plat they need a capacity letter from the utility company and that all lots have to show a public utility easement. She stated they never have had to show where water lines run, whether they are in the easement or not.

Attorney Doll asked why they don't draw easements...

Mrs. Rector stated they have public utility easements shown.

Jim Biggerstaff stated he know approximately where the lines are....

Mrs. Rector stated per the ordinance – he has public utility easements shown, it is just...

Guy Gentry stated they know the lines aren't in the easements; in others they don't know if they are in the easements or not but with this one they know they are not.

Attorney Doll stated then they should just put a disclaimer on it that the easements are approximations and there's no warranty being made that the services, which are pre-existing, are contained within those easements. He stated it has to have the easements on the plat so say a line breaks there is a way to get a new line to that lot.

Mrs. Rector stated they are showing public utility easements to each lot, so they are fine.

Guy Gentry stated if the line breaks they may have to run a new one down the easement and that would be fine.

Mrs. Rector stated so the disclaimer would be need to be put on the final plat.

Attorney Doll stated that is correct.

Kurt Wright, Terminal Properties entered the meeting room.

Jim Biggerstaff stated there are a lot of sewer and water lines in this county and Tom Bodkin always told him they were prescriptive easements.

Morrie Doll stated you can have prescriptive right of way but if you have an easement requirement in the ordinance you have to comply with it and they have and so they need to just make the disclosure.

Jim Biggerstaff stated this is a pre-existing use and it is a major problem and it isn't an interceptor or a major supplier, it is a one inch water line.

Mrs. Rector stated they will type up what Attorney Doll said and give it to him to put on the plat. She then stated the Drainage Board approved no drainage plans would be required but conditioned that no further buildings could be constructed on the property unless they came back with drainage plans.

Judy Writsel said right now the buildings are being leased now but asked if there is any necessity of informing possible purchasers of the lots (about the water lines).

Jim Biggerstaff stated they discussed that with Rob Coghill with Chandler Water and he said in the event that happens they will need a new meter. He stated if there is ever a problem with one of these lines it will be cheaper to put in a new meter and a new line than try to locate the old one.

Mrs. Writsel stated that is why she thinks the purchaser needs to know their water line doesn't come down an existing easement and some day they may have to pay to have water lines ran.

Mr. Biggerstaff stated they will put the language on the plat.

Ascertaining there were no other comments from the Board, the President called for a motion.

Marlin Weisheit made a motion to approve PP-11-06 with the conditions advised by Attorney Doll. The motion was seconded by Brad Overton and unanimously carried.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Rector stated she has spoken to Commissioners Weisheit and Mosbey today in regards to the neighbor of the Wolfe property on Jamestown. She stated they go to court on this property on September 16th but he called the office letting her know they let the neighborhood peacock drown in the pool and he wanted to know why they let it happen.

Discussion ensued that a peacock is illegal in a residential zoning but it could have drown in any of the neighborhood pools.

Mrs. Rector stated the point is the neighbors keep calling asking why they don't do this or that. She stated she doesn't know what the regulations of the Health Department; she doesn't know what can legally be done about condemning a house; she doesn't know safety regulations; she doesn't know who makes them remove water from a swimming pool and she doesn't know the Commissioners roles in all of that. She stated she tries to explain to them that this is a zoning board, they aren't here to make you mow your yard or determine whether the house is unfit or not. She stated they don't have that expertise. Mrs. Rector stated they have the Health Department, Commissioners, Animal Control and Trustees who all deal with this but the complainants all come at her because she is the one taking them to court and they want to know why she isn't doing anything and then they call the Commissioners. She stated this one neighbor calls Mr. Mosbey all the time wanting to know why they aren't doing their jobs. Mrs. Rector stated she would like to see everyone get together and find out whose job it is to do certain things.

Attorney Doll stated it is not the Area Plan Commission's job; they have no authority by State Law to do any of those things. He stated their jurisdiction is set by the Indiana General Assembly and unless it says in the State Statutes or the local ordinance that under the guise of zoning or land use control regulations they have the authority to do something they don't have the authority.

Mrs. Rector stated she needs to know who does have the authority.

Attorney Doll stated he isn't sure; there may not be anyone who does. He stated that is why they have civil courts; for people who have disagreements. He stated government can't fix everything and they don't want to be in all of these fights; otherwise they will need a full time lawyer. He stated neighbors can sue neighbors under common nuisance and they have a private right of

action. He said they can go before a Judge and argue their case and see if he believes it is a nuisance. Attorney Doll stated so far every time they have taken a case in front of a Judge, he has agreed there is a nuisance or a junk yard and they have to clean them up. He stated and then sometimes they still don't clean them up and they have to send out the County Highway Department to clean it up.

Mrs. Rector stated her problem is she doesn't know how to answer these people.

Attorney Doll stated his recommendation is to tell them they have a private line of action and if they wish they can go to small claims court and file a nuisance claim against their neighbor. He stated most of them won't do that.

Mrs. Rector stated they want the County to do that.

Attorney Doll stated he knows that and he is telling her they don't have the legal authority to do these things and he doesn't think they should represent some other department of government does because they may or they may not and they may choose to do it or they may not because they are independent. He stated his suggestion is that if it fits within their jurisdiction they tell them that. He stated if it is a junk yard they will do what they can to enforce the ordinance, other than that, they are welcome to file a lawsuit in the Clerk's Office.

Mrs. Rector stated they say they are going to sue them (Plan Commission) and she told them to go ahead.

Attorney Doll stated if that happens then they will be asking the Court to award the attorney fees for a nuisance lawsuit. He stated they aren't going to sue.

Mrs. Rector stated this other neighbor has been telling Commissioner Mosbey he can't believe they won't take care of this.

Attorney Doll stated if they were trying to make the neighbors clean up their property they would be saying they were impairing their property rights as American citizens but when it is against their neighbor they are mad because they aren't impairing their property rights.

Marlin Weisheit stated the problem is a lot of people get the run around. He stated they call one department and they get referred to another department and he has said in a public meeting that he wishes the Commissioners were in charge of the Health Department but they aren't it is the Health Board. He stated he is going to their next meeting and maybe they will know what they will do and can do and so they can refer things to them that they need to take care of. He stated he thinks they can step up to the plate and help with some of these things; like the swimming pool, if it has stagnant water and mosquitos then he thinks that is a Health Department issue. He stated there is a State Statute on the fencing and the steps but for the water he thinks that is something the Health Department can help with. He said they can only do so much but each department needs to step up to the plate and do what they can but they can't fix everything.

Mrs. Rector stated she told the man the other day that she didn't know who took care of all this but she couldn't do it. She stated it is like she is giving them the run around by telling them to call the Health Department or the Commissioners.

Larry Willis said to tell them to call their attorney and have him do the research for them.

Attorney Doll said instead of telling them she doesn't know how the solution to the problem is achieved; tell them you do know it isn't under the jurisdiction of the Area Plan Commission because that is what we are responsible for. He stated he isn't trying to give people the run around but they are not experts on Health Department law or experts on the other things and so they shouldn't put themselves in the position of rendering opinions about those issues. He stated if it is in their area they will own up to it and accept responsibility and do what they can do but if it isn't in their area and they should tell them their recommendation would be to tell this it is not in their jurisdiction and they can't help them but they might try someplace else.

Mrs. Rector stated she also gets stuck on what is a nuisance. She stated they have nothing to do with the condition of a home, inside or out, whether it is falling in and the roof is half off.

Attorney Doll stated the Health Department may.

Mrs. Rector asked so what is a nuisance.

Attorney Doll stated Mr. Key has a giant limb on the roof of his house; that is probably a detriment and a nuisance to his house but they have no jurisdiction over that.

Guy Gentry stated he wonders if they do over the trash and the skids they told him to clean up either and he has always thought they go above and beyond what they should.

Attorney Doll stated the problem with a nuisance is it literally in the eye of the Judge. He stated he was only half joking when he said it was akin to pornography because the Supreme Court couldn't define it but the Justices of the US Supreme Court said it is something they certainly recognize when they see it. He stated that is highly subjective. He stated the same thing with a nuisance. He stated they said it is by dust or smoke or noise or things of that sort but he has to tell them if they ever really get challenged on a nuisance suit, they might lose because their ordinance may be void due to vagrancy. He stated in all candor he wishes it wasn't in the ordinance.

Attorney Doll stated there is a difference between a public nuisance and a private nuisance. He stated a group of rowdy kids in a grocery store parking lot throwing stuff at each other would be a public nuisance. He stated a guy who lets his property deteriorate and it is offensive to his next door neighbors he would think is more akin to a private nuisance and that might be a civil action between two neighbors if they have the guts to do it.

Mrs. Rector stated she told the man who keeps calling about the Wolfe property that he has never even shown up at a meeting or at Court. She stated people file these complaints but they never show up at the meetings. She stated they get an agenda every time. She added another issued with this is she personally knows Mr. Key has a hoarding issue and you can tell by the Wolfe's that they do. She stated you can see it on television about this; they "collect" things. She stated they are never going to change that about them and 99% of the time the property will get back to the same shape because they see nothing wrong with it. She asked how many times they have to take them back to court and have them clean it up and spend the money. She stated the County is never going to get this money back because they will never sell those pieces of property to get the liens.

Attorney Doll stated the lien on the property they cleaned up outside of Chandler is over \$20,000. He stated that was a \$100 a day fine and then the cost of the cleanup. He stated the property looks nice but they will never get their money back. He stated they probably rendered that property un-sellable.

Attorney Doll stated about two years ago he wrote a letter to the Board with a definition of "nuisance" and recommending they consider it. He stated if he recalls correctly a "public" nuisance should be their jurisdiction but not a "private" nuisance. He stated he recommends that to the Board to think about an amendment to the ordinance that says they will address public nuisances and he can provide them with a definition of what a public nuisance is but not private. He stated the other thing they could do is stop the anonymousness of these objections. He stated they require property owners to be present when we consider a plat, why don't they require the complaining party to be present when they consider a complaint.

Mike Moesner stated that would make a big difference.

Attorney Doll stated if they are going to call in and object then they should have to be here standing in front of God and everybody to state their case.

Larry Willis stated it wasn't that long ago they didn't even have to sign a complaint; it used to be totally anonymous.

Attorney Doll stated he thinks that violates due process because you have a right to know who says you are violating the ordinance.

Mrs. Rector stated that is why they make them sign it now. She stated we tell them that when they file a complaint it is public record.

Attorney Doll stated they should also say they have to appear at the meeting or they won't consider acting on the complaint. He stated they won't act on any application unless the property owner or their counsel is present and they should expect anything less from people who what the Board to fight their battles for them against the next door neighbor.

Mrs. Rector stated that would just be a change of the Rules of Procedure and so she could just change the Rules of Procedure. She asked if the Board could just vote for that tonight and she could bring it back next month for a signature.

Attorney Doll stated they shouldn't do that.

Guy Gentry stated in the meantime he would like to look into the public nuisance change. He stated he thinks they have been in too many private battles.

Attorney Doll stated there are many times they have to go back and they may win a battle but they are not winning the war.

Amanda Bailey asked how many individuals or groups of individuals would it take to be considered a public nuisance. She stated if you have a subdivision and there is an issue with one property and there are multiple complaints from a variety of neighboring houses, is that considered public.

Attorney Doll stated off the top of his head it would be more than one offended. He stated for example, if they have a non-compliant septic system in some area and the system has failed and there is sewage running on top of the ground in the neighborhood which could cause a health hazard and a nuisance. He stated that would be an example of a public nuisance.

Judy Writsel said when it crosses the property line.

Attorney Doll stated not necessarily, it could just be on one property but if it offended children or is an attractive nuisance.

Mrs. Rector stated she would like for him to write up a definition and give it to her because that helps her answer the questions.

Being no further business the meeting adjourned at 6:50 pm.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director